

REMARKS

This Response is submitted in reply to the Final Office Action dated May 12, 2010 and the Advisory Action dated August 5, 2010. Claims 26 to 50 and 54 are pending in the present application. Claims 26, 32, 34, 38, 42, 44, 47, 49 and 50 are in independent form and are hereby amended. Claims 1 to 25 and 51 to 53 stand previously canceled. A Request for Continued Examination is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Request for Continued Examination and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies "... any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action objected to Claims 38 and 47 for informalities. Applicant has amended Claims 38 and 47 and submits that these amendments overcome this objection.

The Office Action rejected Claims 26, 27, 35, 38 to 41, 44 to 48 and 54 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0151315 to Hendrey ("Hendrey"). Applicant respectfully disagrees with these rejections.

Hendrey discloses a system providing the ability for a telecommunications network to frequently update the location data for telecommunications units within the network, while preventing performance degradation. More specifically, paragraph [0062] of Hendrey discloses:

Exemplary embodiments of the present invention allow a telecommunications provider to provide MU-to-MU and MU-to-SU services by maintaining accurate and timely location data for individual telecommunications units. For example, a salesman at a tradeshow can use his cell phone to locate and get in touch with potential clients and leads by asking the service to provide users that fit a particular user profile and are proximately located to him. While these exemplary embodiments are shown within the field of mobile telecommunications, it can be readily appreciated by one skilled in the art that the present invention may be used in other fields as well. For example, aspects of the present invention may be used to maintain timely location data for airplanes or automobiles. In fact, this invention may prove useful in any situation where large numbers of data records must be maintained, and certain values within those records are updated frequently.

Fig. 24 of Hendrey (reproduced below) illustrates a block diagram of Hendrey's system.

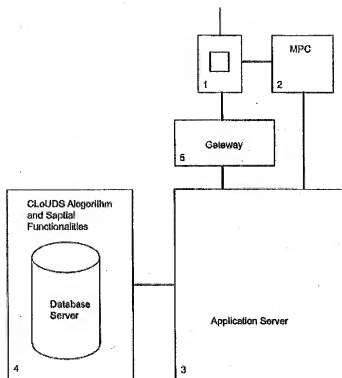


Figure 24

Paragraphs [0092] and [0093] of Hendrey disclose:

With reference to FIG. 24, a mobile unit 1 (consisting of a processor, internal memory, an input device, and a display device) has radio transmission and reception functionalities (typically a laptop computer, a PDA, or a cellular phone capable of sending and receiving radio waves to exchange information). A Mobile Positioning Center (MPC) 2 obtains the location data for MUs 1 and publishes this data to other machines. An Application Server 3 is capable of obtaining and processing data from one or more MPCs.

A system 4 comprises a database with an implementation of the clouds algorithm. The system consists of at least a processor and permanent and volatile memories. Additional spatial functionalities can be implemented on this system. The database and the clouds algorithm can be stored on the permanent memory, such as on magnetic or optical disk drives. A gateway computer 5 acts as an intermediary between a MU and the Application Server 3 when an MU requests services or applications from the Application Server. This machine is capable of formatting data in a representation that the MU understands. An MU will send its requests for services to the Gateway computer 5, which will act on behalf of the MU for service requests and replies to the Application Server. The Gateway 5 will then format the reply for the MU.

Paragraphs [0098] of Hendrey disclose:

Data representing the unique identity of that particular MU is identifying data 107. In a location-aware telecommunications unit, a change in location may result in a change in the non-identifying data 108 of an object representing an MU. Moving point data 106 is generally changed frequently in order to be useful. That is, in the example of the MU moving throughout the telecommunications network, the moving point data 106 (specifically the non-identifying data 108) should be current to produce accurate results. In some aspects of the invention, this moving point data 106 consists of objects representing MUs. These objects include identifying data that may consist of a unique object identifier that identifies the MU, and non-identifying data made up of a set of coordinate values that represent the location of that MU.

Page 3 of the Office Action stated Hendrey discloses:

a memory device which stores instructions, which when executed by the processor, cause the processor to search, in a local area, for an external apparatus (See paragraph 0062) which can communicate with the mobile information processor, said external apparatus including identification information b. collect said identification information from said external apparatus; (See paragraphs 0062, 0064)

transmit to a service provider the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information and (See paragraph 0093 note: MU sends the request for services which ultimately end up at the application server, also see paragraph 0096 noting that the database server runs programs that receive request from MUs)

Page 2 of the Advisory Action stated Hendrey discloses:

[w]ith respect to the limitation (c) The acquire user information from a remote user information database based on said collected identification information. From the information collected the Mobile users are grouped into clouds, this means the location information is used to identify user within a certain distance and further Paragraph 0098 discloses that each MU has a unique object identifier.

In view thereof, as best understood by the Applicant, it appears that the Office Action interprets:

- (a) Hendrey's mobile unit ("MU") as the mobile information processor of Claim 26;
- (b) Hendrey's Mobile Positioning Center ("MPC") as the remote user information database of Claim 26;

- (c) Hendrey's data representing the unique identity of a particular MU (Hendrey, ¶ 98) as the identification information of Claim 26; and
- (d) Hendrey's location data for the mobile units as the user information of Claim 26.

Under this interpretation, Applicant submits Hendrey's MPC does not use the data representing the unique identity of a particular MU to determine Hendrey's location data for the mobile units. Rather, Hendrey merely discloses that Hendrey's MPC "obtains the location data for the MUs and publishes this data to other machines." (Hendrey, ¶ 92). That is, the mobile information processor of Hendrey does not disclose "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (c) transmit said collected identification information to a remote user information database, wherein the remote user database is configured to, using the transmitted identification information, determine user information; (d) acquire said user information that was determined by the remote user information database; [and] (e) thereafter, transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information"

On the other hand, the information processor of Claim 26 includes, among other elements, "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (c) transmit said collected identification information to a remote user information database, wherein the remote user database is configured to, using the transmitted identification information, determine user information; (d) acquire said user information that was determined by the remote user information database; [and] (e) thereafter, transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information"

For at least these reasons, it is respectfully submitted that independent Claim 26 is patentably distinguished over Hendrey and in condition for allowance. Dependent Claims 27 and 54 depend directly from amended independent Claim 26 and are also allowable for the reasons given with respect to Claim 26 and because of the additional features recited in these claims.

Independent Claims 38, 44, 47 each include certain similar elements to independent Claim 26. For reasons similar to those discussed above with respect to independent Claim 1, independent Claims 38, 44, 47 (and dependent Claims 39 to 41, 45, 46, 48) are each patentably distinguished over Hendrey and in condition for allowance.

The Office Action rejected Claims 28, 29, 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Hendrey in view of U.S. Patent Publication No. 2003/0028585 to Yeager ("Yeager"). The Office Action rejected Claims 42, 43, 49 and 50 under 35 U.S.C. 103(a) as being unpatentable over Hendrey in view of Yeager.

As described above, the Hendrey does not disclose "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (c) transmit said collected identification information to a remote user information database, wherein the remote user database is configured to, using the transmitted identification information, determine user information; (d) acquire said user information that was determined by the remote user information database; [and] (e) thereafter, transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information"

Yeager does not cure this deficiency of Hendrey. Accordingly, unlike Claim 28, the combination of Hendrey and Yeager does not render obvious "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (c) transmit said collected identification information to a remote user information database, wherein the remote user database is configured to, using the transmitted identification information, determine user information; (d) acquire said user information that was determined by the remote user information database; [and] (e) thereafter, transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information" For at least this reason, it is respectfully submitted that Claim 28 is patentably distinguished over Hendrey and Yeager and in condition for allowance.

Claims 29, 36, 37, 42, 43, 49 and 50 each include similar elements to Claim 28. For reasons similar to those discussed above with respect to independent Claim 28, Claims 29, 36,

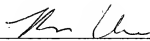
37, 42, 43, 49 and 50 are each patentably distinguished over Hendrey and Yeager and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned

Respectfully submitted,

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